

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMELA and MICHAEL HENSLEY,

Plaintiff(s),

v.

UNITED STATES OF AMERICA, et al.,

Defendant(s).

NO. C04-302

ORDER ON GOVERNMENT'S
MOTION FOR RELIEF FROM
MEDIATION OBLIGATION

The above-entitled Court, having received and reviewed:

1. United States' Motion for Order Relieving It of Obligation to Participate in Mediation
2. Plaintiffs' Response to USA's Motion to Be Excused from Mediation

and all exhibits and declarations attached thereto, makes the following ruling:

IT IS HEREBY ORDERED that the motion is DENIED.

The government's motion is premised on the position that, since the United States does not agree that this Court has jurisdiction over the matter, it will not attempt to resolve the dispute underlying its procedural posture.

The fact is that a neutral mediator may be capable of fashioning a negotiated result which preserves intact the government's right to appeal the Court's rejection of its procedural arguments while also resolving the liability issues which the parties will have to face should the government's appeal prove unsuccessful. The parties will not be relieved of their obligation to participate in a mediation. This Court believes that a good faith attempt at settlement is always in the public's best interest as long as at least one party is willing to participate.

The clerk is directed to provide copies of this order to all counsel of record.

ORDER ON MTN
RE: MEDIATION - 1

Dated: April 3, 2006

A handwritten signature in black ink, appearing to read "Marsha J. Pechman". The signature is written in a cursive, flowing style.

Marsha J. Pechman
U.S. District Judge